

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

CRIMINAL MISCELLANEOUS APPLICATION NO.84 OF 2004

Office Note, Office Memoranda
of Quorum, appearances, Court's
orders or directions and
Registrar's orders.

Court's or Judge's Orders

Miss G. D'Souza, Advocate for the
Applicant.

Mr. S. N. Sardesai, Public
Prosecutor for the State.

CORAM : P. V. HARDAS, J.

DATE : 8TH APRIL, 2004.

P.C.:

This is an application by the
Applicant seeking her release on
bail in respect of an offence
registered at Crime No.40/2004, on
the allegations that the Applicant
was found in possession of 545 grams
of charas. The Applicant came to be
arrested on 19th February, 2004.
The entire investigation is complete
except for the receipt of the record
from the Central Forensic Science
Laboratory, Hyderabad.

The Applicant had applied for bail before the learned Special Judge, N.D.P.S. Court, Mapusa, Goa, by her application which was registered as Special Bail Application No.8/2004. The learned Special Judge, N.D.P.S. Court, Mapusa, Goa, by Order dated 18th March, 2004, rejected the application principally on the ground that the Applicant was a non goan who had no roots in Goa and "there is no safeguard to ensure her presence on all subsequent dates for the purpose of investigation".

The learned Counsel appearing on behalf of the Applicant has brought to my notice an Order of the learned Single Judge of this Court dated 1st December, 2003, in Criminal Miscellaneous Application Nos.268 to 270 of 2003 (Mr. Mudassar Ahmed Bhat v. State of Goa), Criminal Miscellaneous Application Nos.285 of 2003 (Mr. Daniel Tomat v. State of Goa), Criminal Miscellaneous

Application No.3 of 2004 (Mr. Luca Folco v. State of Goa, Criminal Miscellaneous Application No.4 of 2004 (Mr. Davide Porta v. State of Goa) dated 7th January, 2004 and Criminal Miscellaneous Application No.2 of 2003 dated 17th January, 2003 (Marc Laligand v. State of Goa).

It is no doubt true that it is of paramount importance that while ordering a release on bail, the Court has to deal with the apprehension expressed by the prosecution regarding the non availability of the Accused to face the trial. According to me, this apprehension of the Accused can be allayed by putting the Applicant to strict terms and conditions similar to the ones which have been imposed on the Accused in the Order cited at the Bar by the learned Counsel for the Applicant. Admittedly, also the Applicant is a lady who has been recently widowed. In view of this,

according to me, the Applicant is entitled to be released on bail.

The Applicant be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the learned Special Judge, N.D.P.S. Court, Mapusa, Goa, on the following conditions:-

1. As the Applicant has volunteered that she will reside in Goa till the conclusion of the trial, the Applicant shall not leave the State of Goa without obtaining the prior permission of the learned Special Judge, N.D.P.S. Court, Mapusa, Goa, till the filing of the chargesheet.

2. The Applicant shall report to the Calangute Police Station once a week every Monday between 10.00 a.m. to 10.30 a.m. and thereafter after the filing of the chargesheet shall attend the Calangute Police Station once a month on every first Monday between 10.00 a.m. to 10.30 a.m. till conclusion of the trial.

3. The Applicant shall not directly or indirectly influence the witnesses or tamper with the prosecution evidence.

Application allowed on the aforesaid terms.

P. V. HARDAS, J.

RD.